

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**FIDEL LOPEZ-HUERTA and
GUSTAVO PEREZ-ROJO,**

Defendants.

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8:07CR419

ORDER

This matter is before the court on the motion for an extension of time by defendant Gustavo Perez-Rojo (Perez-Rojo) (Filing No. 21). Perez-Rojo seeks a thirty-day extension of time in which to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 11). Defense counsel represents to the court that counsel for the government has no objection to the extension. Perez-Rojo has filed an affidavit wherein Perez-Rojo consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 20). Upon consideration, the motion will be granted. Furthermore, the extension of the pretrial motion deadline will apply to all defendants in this matter.

IT IS ORDERED:

Defendant Perez-Rojo's motion for an extension of time (Filing No. 21) is granted. All defendants are given until **on or before March 23, 2008**, in which to file pretrial motions pursuant to the progression order (Filing No. 11). The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 13, 2008 and March 23, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 13th day of February, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge